

United States District Court
CLERK'S OFFICE

Joseph P. Schmitt, pro se
Plaintiff,

v.

Mo. Dept. of Corrections, et al
Defendant

2006 SEP -8 P 2:54

UNITED STATES DISTRICT COURT

CLERK'S OFFICE

C.A. No. 05-10573-RWZ

Plaintiff's Motion For Monetary Sanctions
For Defendants' Counsel Defying Justice
Rya W. Zobel's Orders to Cease Filing
Duplicative Pleadings

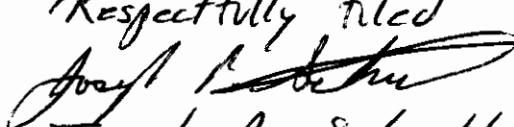
Now comes the pro se plaintiff, and moves this Court for monetary sanctions against the defendants' counsel, Jody T. Adams for her practice of filing duplicative and frivolous motions in the above captioned action and C.A. No. 05-10571-RWZ. After this Honorable Court warned both plaintiff and defendants to cease this practice in combined actions USDC No. 04-10451-RWZ and USDC No. 04-10717-RWZ. And, even more curious is that the co-counsel of the 04-10451 and 04-10717 case, C. Raye Poole, filed a motion dated May 10, 2006, "Defendants Opposition to Schmitt's Motion for Court Order And Motion for Sanctions", in which counsel sought "IV. Schmitt Should be Monetarily

Sanctioned for His Failure to Comply With this Court's Orders to Cease filing Duplicative And Frivolous Motions And All of His Future Motions Should Be Dismissed Sua Sponte With Further Sanctions Imposed, And almost immediately afterwards the counsel for the defendants aggressively violate the Court's repeated warning by filing identical motions in USDC CA. Nos 05-10571-RWZ and 05-10573-RWZ. See def's motions, Defendant's Motion to VACATE Plaintiff's Indigency Status And to Require Payment of All filing fees filed on 8/29/2006, And Defendant's Motion to Dismiss filed on 8/31/2006.

Defendants' counsel have, or should have, a much higher legal education and a superior knowledge of pre trial and trial litigation practice. As such, attorney Jody Adams has absolutely no excuse to so blatantly defying this Court's Authority.

Plaintiff moves for monetary sanctions in the amount of \$250.00 per duplicated motion filed by defendants as noted above. Plaintiff further moves that this court dismiss and/or deny said duplicated motion with prejudice.

Dated: Sept 7, 2006

Respectfully filed

Joseph P. Schenck
Joseph P. Schenck

Mass Treatment Center
30 Administration Road
Bridgewater, Massachusetts
02324-3230

Certificate Of Service

I, Joseph P. Schmitt, hereby certify that a true copy of the above motion was mailed to Judy Adams, Esq. at 70 Franklin Street, Boston MA. 02110-1300, the Dept of Corrections Legal Division in Suite 600, via First Class U.S. Mail to be paid by the Dept. of Correction pursuant to 103-CMR-481.9-10 and 11, on this 7th day of September, 2006.

